



GP-3631

#14

Liz



February 1, 1999

Commissioner of Patents  
United States Patent & Trademark Office  
Washington, DC 20231

Dear Sir or Madam:

Re: U. S. Patent No. 5,853,164

Enclosed is a copy of the above Patent, and correspondence between our company and Kinedyne's Patent Attorney. As you see, we have a conflict. We have enclosed a copy of Kinedyne's catalog from January, 1996. According to their Customer Service department, these catalogs are mailed to customers in January or February each year.

The date on the original Patent application was March 18, 1996, which would have been after their catalog was released. On page 5 of their catalog, it shows this product (their part no. 1020) as having a Patent pending. Date wise, I do not think this product could have a Patent pending at the time the catalog was made public. **I spoke with Mr. Beaman, Kinedyne's Patent attorney, today and he advised me that Kinedyne could print Patent Pending on the publication because they had a 1-year grace period prior to the time the application was made.** Please see his letter dated January 29, 1999. I spoke with someone at the Patent Assistance Office and was advised to relay our complaint to your office. The date of the publication is on the back page of the catalog "Catalog No. CC196".

We have been manufacturing this product since 1995. We have invested in dies and we have several hundred of these products on the shelf. Please respond at your earliest convenience so that we may stay within the law.

We questioned the patentability of the product since we make several winches that fit various styles of track.

Thank you for your assistance in this issue.

Sincerely,

Liz Squyres  
V. P. Operations

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FEB 17 1999